



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,772	02/25/2004	Ross Bunker	BEAS-01437US1	2871
23910 7590 01/25/2007 FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER PHAM, MICHAEL	
			ART UNIT 2167	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/25/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/786,772	BUNKER ET AL.	
	Examiner	Art Unit	
	Michael D. Pham	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claim Objections

1. Prior objection to claims 11, 14, 18, 21, 25, and 28 because of the misnumbered sequence of limitations has been withdrawn.
2. Prior objection to claims 15-21 for recite a machine readable medium where a storage medium was recited in the specifications on [0069] has been withdrawn.
3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 1, 8, 15, and 22 recite “wherein one of the at least one service can provide access to functionality in one of the at least one extension to another one of the at least one extension”. Where in the specifications is this supported?
4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 1, 8, 15, and 22 recite “wherein one of the at least one extensions can provide functionality accessible in the user interface”. Where in the specifications is this supported?

Claim Rejections - 35 USC § 112

Art Unit: 2167

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "one of the at least one extension" in claim 1 is unclear whether "one" is a portion of the at least one extension or "one" is a service of the at least one extension.

7. The limitation "another one of the at least one extension" in claim 1 is unclear whether "another one" is a portion of the at least one extension or "one" is a service of the at least one extension.

8. The limitation "one of the at least one service" in claim 1 is unclear whether "another one" is a portion of the at least one extension or "one" is a service of the at least one extension.

9. In limitation "wherein one of the at least one service can provide access to functionality in one of the at least one extension to another one of the at least one extension", in claim 1, 8, 15, and 22, it is unclear what "another one of the at least one extension" refers back to (e.g. the service or the one of the at least one extension).

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

Art Unit: 2167

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Prior rejection to claims 1-21 under 35 U.S.C. 101 because a tangible result has been withdrawn.

12. MPEP 2106 states:

a) "USEFUL RESULT"

For an invention to be "useful" it must satisfy the utility requirement of section 101. The USPTO's official interpretation of the utility requirement provides that the utility of an invention has to be (i) specific, (ii) substantial and (iii) credible. MPEP § 2107 and *Fisher*, 421 F.3d at 1372, 76 USPQ2d at 1230 (citing the Utility Guidelines with approval for interpretation of "specific" and "substantial"). In addition, when the examiner has reason to believe that the claim is not for a practical application that produces a useful result, the claim should be rejected, thus requiring the applicant to distinguish the claim from the three 35 U.S.C. 101 judicial exceptions to patentable subject matter by specifically reciting in the claim the practical application. In such cases, statements in the specification describing a practical application may not be sufficient to satisfy the requirements for section 101 with respect to the claimed invention. Likewise, a claim that can be read so broadly as to include statutory and nonstatutory subject matter must be amended to limit the claim to a practical application. In other words, if the specification discloses a practical application of a section 101 judicial exception, but the claim is broader than the disclosure such that it does not require a practical application, then the claim must be rejected.

Claims 22-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 22-28 do not provide a useful, concrete, and tangible result that is used to implement the **method** so as to realize its functionality. Thus, claims 22-28 are merely an abstract idea and are being processed without links to a practical result in the technological arts and without a practical application.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6920607 Ali et. al. (hereafter Ali).

Claim 1:

Ali discloses,

a computer-based extendable application framework, comprising:

a user interface [figure 4 element 438, user interface];

at least one service [col. 10 lines 23-30, an application can be executed on a processor];

at least one extension [col. 6 lines 22 – 25, xml data files, 414];

wherein one of the at least one extension can provide functionality accessible in the user interface [Col. 14 lines 60-64, Attribute type "PERMISSIONS" defines access permission for the setting. The default value is (ALL), but some categories of users may be denied from changing certain system settings. col. 10 lines 36-40 "when the application is again executed on processor, the browser processes the xml data with the xsl template at the XSL processor to render a new DHTML mouse control panel UI document 438 on display.]; and

wherein one of the at least one services can provide access to functionality in one of the at least one extensions to another one of the at least one extension [Abstract, XML data files also have reference links to secondary data files that contain data that further define the UI. The UI is dynamically generated when an application invokes the XML data files.].

Claim 2:

Ali discloses,

The framework of claim 1 wherein:

one of the at least one extension can utilize one of the at least one services [Abstract, The UI is dynamically generated when an application invokes the XML data files].

Claim 3:

Ali discloses,

The framework of claim 1 wherein:

Art Unit: 2167

an extension is an interchangeable application building block [col. 5 lines 65-66, user interfaces that are extensible, easy to redesign, and to update].

Claim 4:

Ali discloses,

The framework of claim 1 wherein: an extension can include at least one of: 1) XML (Extensible Markup Language) description; 2) a set of classes; and 3) a set of resources[abstract, XML].

Claim 5:

Ali discloses,

The framework of claim 1 wherein:

a service can include a public interface that can provide access to functionality in an extension [col. 8 lines 39-43, In response to the execution of application 418, browser 420 loads the XML data 414 and checks the data file against XML schema 410 to ensure that the XML data 414 is a valid representation of the schema's specified content.]

Claim 6:

Ali discloses,

The framework of claim 1 wherein:

an extension can define handlers [col. 13 lines 60-65, contains an attribute id].

Art Unit: 2167

Claim 7:

Ali discloses,

The framework of claim 1 wherein: an extension can provide functionality to support at least one of: 1) a document type; 2) a user interface action; 3) a file encoding; 4) property settings; and 5) debugging information [Abstract, XML data files have reference links to secondary data files that contain data further defining UI (user interface) to support the user interface action].

Claim 8:

Ali discloses,

a computer-based method for configuring an application, comprising the steps of:

providing a user interface to allow user interaction with the application[figure 4 element 438, user interface];

providing at least one extension wherein the providing permits one of the at least one extensions to provide functionality accessible in the user interface[Col. 14 lines 60-64, Attribute type "PERMISSIONS" defines access permission for the setting. The default value is (ALL), but some categories of users may be denied from changing certain system settings. col. 10 lines 36-40 "when the application is again executed on processor, the browser processes the xml data with the xsl template at the XSL processor to render a new DHTML mouse control panel UI document 438 on display. and

providing at least one service wherein the providing permits one of the at least one service to provide access to functionality in one of the at least one extensions to another one

of the at least one extension[Abstract, XML data files also have reference links to secondary data files that contain data that further define the UI. The UI is dynamically generated when an application invokes the XML data files.].

Claim 9:

Ali discloses,

The method of claim 8 wherein:

one of the at least one extension can utilize one of the at least one services[xml data files 414, Abstract, The UI is dynamically generated when an application invokes the XML data files].

Claim 10:

Ali discloses,

The method of claim 8 wherein:

an extension is an interchangeable application building block[col. 5 lines 65-66, user interfaces that are extensible, easy to redesign, and to update].

Claim 11:

Ali discloses,

The method of claim 8 wherein:

an extension can include at least one of: 1) XML (Extensible Markup Language) description; 2) a set of classes; and 3) a set of resources [element 414, abstract, XML].

Art Unit: 2167

Claim 12:

Ali discloses,

The method of claim 8 wherein:

a service can include a public interface that can provide access to functionality in an extension[col. 8 lines 39-43, In response to the execution of application 418, browser 420 loads the XML data 414 and checks the data file against XML schema 410 to ensure that the XML data 414 is a valid representation of the schema's specified content.].

Claim 13:

Ali discloses,

The method of claim 8 wherein: an extension can define handlers[col. 13 lines 60-65, contains an attribute id].

Claim 14:

Ali discloses,

The method of claim 8 wherein: an extension can provide functionality to support at least one of: 1) a document type; 2) a user interface action; 3) a file encoding; 4) property settings; and 5) debugging information [Abstract, XML data files have reference links to secondary data files that contain data further defining UI (user interface) that provides support to a user interface action.].

Claim 15:

Art Unit: 2167

Ali discloses,

A machine readable storage medium having instructions stored thereon that when executed by a processor cause a system to:

providing a user interface to allow user interaction with the application[figure 4 element 438, user interface];

providing at least one extension wherein the providing permits one of the at least one extension to provide functionality accessible in the user interface[element 414, xml data files, Abstract, XML data files have reference links to secondary data files that contain data further defining UI (user interface)]; and

provide at least one service wherein the providing permits one of the at least one service to provide access to functionality in one of the at least one extension to another one of the at least one extension [Abstract, The UI is dynamically generated when an application (services) invokes the XML data files].

Claim 16:

Ali discloses,

The machine readable storage medium of claim 15 wherein:
one of the at least one extensions can utilize one of the at least one services[Abstract, The UI is dynamically generated when an application invokes the XML data files].

Claim 17:

Art Unit: 2167

Ali discloses,

**The machine readable storage medium of claim 15 wherein:
an extension is an interchangeable application building block[col. 5 lines 65-66, user interfaces that are extensible, easy to redesign, and to update].**

Claim 18:

Ali discloses,

The machine readable storage medium of claim 15 wherein: an extension can include at least one of: 1) XML (Extensible Markup Language) description; 2) a set of classes; and 3) a set of resources [abstract, XML].

Claim 19:

Ali discloses,

**The machine readable storage medium of claim 15 wherein:
a service can include a public interface that can provide access to functionality in an extension[col. 8 lines 39-43, In response to the execution of application 418, browser 420 loads the XML data 414 and checks the data file against XML schema 410 to ensure that the XML data 414 is a valid representation of the schema's specified content.].**

Claim 20:

Ali discloses,

**The machine readable storage medium of claim 15 wherein:
an extension can define handlers[col. 13 lines 60-65, contains an attribute id].**

Claim 21:

Ali discloses,

The machine readable storage medium of claim 15 wherein: an extension can provide functionality to support at least one of: 1) a document type; 2) a user interface action; 3) a file encoding; 4) property settings; and 5) debugging information[Abstract, XML data files have reference links to secondary data files that contain data further defining UI (user interface) to support a user interface action.].

Claim 22:

Ali discloses,

A method for transmitting code over a transmission medium, comprising:

transmitting a code segment including instructions to provide a user interface to allow user interaction with the application[figure 4 element 438, user interface];

transmitting a code segment including instructions to provide at least one extension wherein the providing permits one of the at least one extensions to provide functionality accessible in the user interface[figure, 5 element 500 invokes xml, Abstract, XML data files have reference links to secondary data files that contain data further defining UI (user interface)];

and

transmitting a code segment including instructions to provide at least one service wherein the providing permits one of the at least one service to provide access to functionality in one of the at least one extension to another one of the at least one

Art Unit: 2167

extension[Abstract, The UI is dynamically generated when an application invokes the XML data files.].

Claim 23:

Ali discloses,

The method of claim 22 wherein:

one of the at least one extensions can utilize one of the at least one services[Abstract, The UI is dynamically generated when an application invokes the XML data files].

Claim 24:

Ali discloses,

The method of claim 22 wherein:

an extension is an interchangeable application building block[col. 5 lines 65-66, user interfaces that are extensible, easy to redesign, and to update].

Claim 25:

Ali discloses,

The method of claim 22 wherein: an extension can include at least one of: 4) XML (Extensible Markup Language) description; 4) a set of classes; and 4) a set of resources [abstract, XML].

Claim 26:

Art Unit: 2167

Ali discloses,

The method of claim 22 wherein:

a service can include a public interface that can provide access to functionality in an extension[col. 8 lines 39-43, In response to the execution of application 418, browser 420 loads the XML data 414 and checks the data file against XML schema 410 to ensure that the XML data 414 is a valid representation of the schema's specified content.].

Claim 27:

Ali discloses,

The method of claim 22 wherein:

an extension can define handlers[col. 13 lines 60-65, contains an attribute id].

Claim 28:

Ali discloses,

The method of claim 22 wherein: an extension can provide functionality to support at least one of: 4) a document type; 4) a user interface action; 4) a file encoding; 4) property settings; and 5) debugging information [Abstract, XML data files have reference links to secondary data files that contain data further defining UI (user interface)].

Response to Arguments

15. Applicant's arguments filed 11/13/06 have been fully considered but they are not persuasive. Applicant's assert the following (lettered):

A. That the limitations “wherein one of the at least one extension can provide functionality accessible in the user interface” and “wherein one of the at least one service can provide access to functionality in one of the at least one extension to another one of the at least one extension” presented in independent claim 1 and similarly claims 8, 15, and 22 are not taught by the cited reference Ali.

In response, the examiner respectfully disagrees. As to “Wherein one of the at least one extension can provide functionality accessible in the user interface” is suggested by Ali. That is the extension provides functionality accessible in the user interface (i.e. based on extensions the user interface is modified). Hence Col. 14 lines 60-64, Attribute type "PERMISSIONS" defines access permission for the setting. The default value is (ALL), but some categories of users may be denied from changing certain system settings is still able to read on the claimed limitation. Further noting that col. 10 lines 36-40 “when the application is again executed on processor, the browser processes the xml data with the xsl template at the XSL processor to render a new DHTML mouse control panel UI document 438 on display. Therefore the extensions (xml) provide functionality accessible in the created user interface (UI).

As to “wherein one of the at least one service can provide access to functionality in one of the at least one extension to another one of the at least one extension” is also still suggested by Ali. As stated in the abstract, the UI is dynamically generated when an application (service) invokes the XML data files. Ali further states in the, abstract, that XML data files also have reference

Art Unit: 2167

links to secondary data files that contain data that further define the UI. That the UI is dynamically generated when an application invokes the XML data files. That is the secondary data files could be construed to be another one of the at least one extension. Hence Ali suggests that there is an indication of the application (service) being able to provide access to functionality in an extension (XML data files) to other extensions (secondary data files).

Essentially the claims are still broad enough to be read on the Ali reference, accordingly the rejection has been maintained. All other claims are rejected for being dependent to claims that have been rejected.

Conclusion

16. The prior art made of record listed on PTO-892 and not relied, if any, upon is considered pertinent to applicant's disclosure.

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 2167

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924.

The examiner can normally be reached on Monday - Friday 9am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2167


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Pham
Art Unit 2167
Examiner

Cam Y Truong
Art Unit 2162
Primary Examiner

Cy

John Cottingham
Art Unit 2167
Supervisor


JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100